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STATE FOR AF/W, INR/AA
DOE FOR CAROLYN GAY

E.O. 12958: DECL: 10/22/2017

TAGS: [PGOV](#) [KDEM](#) [NI](#)

SUBJECT: NIGERIA: ELECTION OF YAR'ADUA SON-IN-LAW NULLIFIED

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b & d).

11. (SBU) The Kebbi State Electoral Tribunal nullified the election of Saidu Usman Dakingari (Peoples' Democratic Party, PDP) as Governor on October 21. Dakingari is President Yar'Adua's son-in-law (his third wife is Yar'Adua's second eldest daughter Zainab). The tribunal, headed by Justice Aodover Kaka'an, determined that Dakingari was not properly nominated as the PDP candidate for the April 14 polls and ordered that another election be held. Dakingari has indicated the PDP will file an appeal of the decision. According to Nigerian law, Dakingari will remain in office until a decision is made on any appeal.

12. (SBU) Dakingari was substituted for Major General Mohammed Magoro as the PDP candidate and the INEC was notified on February 5. Although this meets a 60-day constitutional requirement for substitution of candidates, the tribunal found that Dakingari, who had decamped from the All Nigeria Peoples' Party (ANPP), received his party membership in the PDP only on February 10. Therefore, he was ineligible for nomination as a PDP candidate as of the February 5 notification. In addition, the Constitution requires "cogent and verifiable reasons" for substituting a candidate, which the judge noted were not provided. The petitioners in this case (Senator Farouk Bunza Bello of the ANPP and Alhaji Abubakar Mallam of the DPP) also alleged that Dakingari did not receive a majority of the votes in the April 14 poll; however, the tribunal found that irregularities had "not substantially affected the outcome of the election." Two of the five tribunal members reportedly refused to sign the decision, although it is not clear which portion of the verdict they disagreed with.

13. (C) COMMENT. What is particularly noteworthy in this case is not that the tribunal nullified the elections, but that it appears Yar'Adua did not/not attempt to influence the process. Given that Dakingari is Yar'Adua's son-in-law and that Yar'Adua would not find Dakingari's removal politically expedient, this could be our first concrete evidence of Yar'Adua's personal commitment to the rule of law. Even Dakingari's own statements have stressed that he is a "democrat and believer in the rule of law" and will therefore appeal through legal means. Post will continue to follow this case and report any further developments. END COMMENT.
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